

THE HON'BLE SRI JUSTICE RAKESH KUMAR
AND
THE HON'BLE SRI JUSTICE D.RAMESH

I.A (SR) No.37122 of 2020

In

W.P (PIL) No.127 of 2020, W.P.Nos.8966 of 2020, 9135 of 2020,
18794 of 2020 & W.P (PIL) Nos.132, 135, 136, 137, 145 and 192 of 2020

[Taken up through video conferencing]

ORDER: (Per Hon'ble Sri Justice Rakesh Kumar)

W.P.No.127 of 2020 was filed as Public Interest Litigation with a prayer to declare the action of the respondents, particularly, respondent No.2, Principal Secretary to Government of Andhra Pradesh, Municipal Administration and Urban Development Department in issuing Notice Inviting Offer (NIO) to Outright Sale of land Parcels/Land Assets on behalf of Mission Build AP, Government of Andhra Pradesh, available at Guntur and Visakhapatnam Districts of Andhra Pradesh "as is where is" basis through E-auction vide NIO No.NBCC/GM-AP/AP LM-1/2020/1 calling for applications as highly illegal, arbitrary, and consequently made a prayer to set aside NIO No.NBCC/GM-AP/AP LM-1/2020/1.

2. The present writ petition was firstly taken up by a Division Bench of this Court comprising Hon'ble Sri Justice A.V.Sesha Sai and Hon'ble Sri Justice B.Krishna Mohan and a Bench of this Court while granting time for filing counter affidavit, passed an interim order restraining finalization of the bidding process. The said writ petition was thereafter taken up on number of dates and the interim order was extended from time to time. In the meanwhile, other similar writ petitions were filed questioning the act of the State regarding selling/transferring of the Government land through auction; and, as such, those cases were tagged together, by

order, dated 18.09.2020. The aforesaid matter was taken up on 11.12.2020 and the docket shows that it was directed to be listed on 17.12.2020. Thereafter, on 16.12.2020, Sri Sudhakar Reddy, learned Additional Advocate General informed that in the aforesaid batch cases, earlier, he had filed a petition for recusal of one of the Members of the Bench (Hon'ble Sri Justice Rakesh Kumar) from the case. He informed that earlier office had returned the said petition with some objection and after correcting the same, he has again re-presented the same before the Registry. Accordingly, the Registry was directed to place the said petition on 21.12.2020. On 21.12.2020, I (Hon'ble Sri Justice Rakesh Kumar) was sitting with Hon'ble Ms. Justice J.Uma Devi. On the date, on perusal of the said interlocutory application, i.e., IASR No.37122 of 2020, we noticed that *'In paragraph No.4 of the petition, it was indicated that on 11.12.2020 while I (Hon'ble Sri Justice Rakesh Kumar) was sitting with my learned brother (Hon'ble Sri Justice D.Ramesh), had made some oral observation. On 21.12.2020, it was recorded "At the moment, we are not certifying regarding such observation but, only for examining such prayer, direction has been given to entertain this interlocutory application. Put up this case on 28.12.2020, if I am sitting with Hon'ble Sri Justice D.Ramesh, subject to approval by the Hon'ble The Chief Justice. However, learned counsel for the petitioner is granted liberty that if he wants to file any response to this interlocutory application, it may be filed by 23.12.2020."*

3. In view of order, dated 21.12.2020, WP (PIL) 127 of 2020 and other connected writ petitions were taken up. On the date, i.e., 28.12.2020, learned Additional Advocate General submitted that the present petition, i.e., IASR 37122 of 2020 may be treated as petition in other connected

writ petitions. This Court, accordingly, directed that the said interlocutory application shall be treated as petition filed in all the aforesaid writ petitions. The order, dated 28.12.2020, is quoted herein below:

“ Learned Additional Advocate General submits that the present petition, which is I.A.S.R.No.37122 of 2020, may be treated as petition in other connected writ petitions. Accordingly, this interlocutory application shall be treated as petition filed in all the aforesaid writ petitions.

In the present petition, in sum and substance, a prayer has been made for recusal of one of the Member of this Bench (Rakesh Kumar, J). Learned Additional Advocate General submitted that with heavy heart he was constrained to file the present petition on behalf of the State and he had taken the Court to statement made in paragraph No.4, particularly, at page No.3 of the affidavit.

At the time of hearing, Sri B.Nalin Kumar, learned counsel for the petitioner appearing in item No.18 i.e., W.P.(PIL) No.132 of 2020 submitted that the second portion of the so-called observation i.e., “We will declare there is break down of constitutional machinery in the State and hand over administration to the Central Government.” was not at all uttered by this Court (Rakesh Kumar, J). Same thing was reiterated by other counsel for the petitioners including Sri Narra Srinivasa Rao, learned counsel appearing in item No.14 i.e., W.P.(PIL) No.127 of 2020. Sri B.Nalin Kumar, learned counsel, has also taken the Court to enclosures filed along with the present petition to show that in none of the newspapers aforesaid observation was quoted. However, the deponent of the petition in paragraph No.8 of its affidavit has stated that the above said remarks of the Court were reported in the same verbatim in various newspapers and extract of such news papers, dated 11.12.2020 have also been enclosed with the petition.”

4. At the time of hearing, learned Additional Advocate General had referred to statement made in paragraph No.4 of the affidavit filed in

support of IASR 37122 of 2020 and highlighted that one of the Members of the Division Bench, (Hon'ble Sri Justice Rakesh Kumar) had made particular observation, which is quoted herein below:

“how could the Government could auction the properties of the State, had Government become bankrupt to auction Government properties. We will declare there is break down of constitutional machinery in the State and hand over administration to the Central Government.”

To further elaborate the allegation made in paragraph No.4, he referred paragraph No.8 of the said affidavit. It would be apt to reproduce paragraph No.8 herein below:

“I respectfully state that the login id and passcode is kept in this Hon'ble High Court website and I had watched the court proceedings of this particular case and heard the actual words uttered by Hon'ble Sri Justice Rakesh Kumar on the above said date i.e. on 11/12/20 and the case is posted on 17/12/2020 for hearing of the case. It is further stated that the above said remarks of the Hon'ble Judge were reported in the same verbatim in various newspapers and the copies of the same is herewith filed for kind perusal of this Hon'ble Court. Similar comments were passed by Hon'ble Justice Rakesh Kumar in the same case on earlier occasion also and the copies of the press reports are filed herewith.”

5. Sri Sudhakar Reddy, learned Additional Advocate General reiterated that on earlier occasion also such an observation was made and accordingly, he tried to persuade the Court that one of the Members of the Bench (Hon'ble Sri Justice Rakesh Kumar) may recuse from hearing this proceeding.

6. At the time of hearing of this petition, learned counsel for the petitioners had placed enclosures which have been brought on record

along with the petition; most of those documents are photocopy of the paper cuttings. *Sri B.Nalin Kumar*, learned counsel appearing for the petitioner in W.P (PIL) 132 of 2020 and Sri Narra Srinivasa Rao, learned counsel appearing for the petitioner in W.P (PIL) 127 of 2020 after placing those enclosures emphatically stated that in none of the news papers, the afore such observation was quoted as has been alleged and quoted in paragraph No.4 of the affidavit filed by the petitioner/respondent No.5. They have argued that the very act of the deponent of this petition who is a senior officer of the State of Andhra Pradesh is nothing but maligning the judiciary and undermining it and the same is contemptuous. Besides this, they have argued that the deponent of this petition has made an incorrect and false statement on oath and as such, he may be dealt with severely.

7. We have heard the learned Additional Advocate General as well as learned counsel for the respondents/writ petitioners and *prima facie* we are of the considered opinion that the act of the State by way of filing such petition supported by an affidavit by the petitioner/respondent No.5 is a derogatory act and it is also a contemptuous act. However, before coming to the final conclusion as to whether one of the Members of this Bench (Hon'ble Sri Justice Rakesh Kumar) should pass an order for his recusal or deprecate the conduct of the State, it would be apt to record that it is unfortunate that such a petition has been filed not by a private party, but on behalf of the State. It is well known that primarily the function of the High Court while exercising jurisdiction under Article 226/227 of the Constitution of India is to protect and enforce fundamental right of a citizen if it is infringed or taken away by the State. This is the main protection lying in the hands of citizen against

the unauthorized or illegal act of a State. If in a situation, the High Court proceed to hear a petition and during hearing, the Court wants to get any of the doubts occurring in the mind of the Court to be cleared, certainly, it is the right of the Court to ask certain questions. It is not untrue that one of the Members of this Bench (Hon'ble Sri Justice Rakesh Kumar) had not questioned as to whether there was financial crunch or emergency that the State was intending to transferring the title of the State land by way of auction sale, that too, for generating fund. Without commenting on the merit of the case, *prima facie* some doubt arose in the mind of the Court that whether an elected Government, which is elected for only five years, can have a right to transfer title of land of the State. If it is the property of the State, certainly every citizen of the State has got some interest in such property and being trustee, that too, for five years, the Government may not either sell or transfer title of the property. If it is not objected in that event there is possibility that a time may come when the State will be termed as a State without land. All those doubts were going in the mind of the Court, and as such, the Court (Hon'ble Sri Justice Rakesh Kumar) wanted to know regarding the financial condition of the State. It is not a case that interim order was granted by a Bench in which I (Hon'ble Sri Justice Rakesh Kumar) was one of the Members. After the interim order was passed by a Coordinate Bench of this Court, the Bench presided over by me (Hon'ble Sri Justice Rakesh Kumar) had taken up the matter on several dates. Counter affidavits were also filed. But, final hearing was yet to commence. In the meanwhile, the aforesaid interlocutory application was filed.

8. Honesty, integrity, sincerity, fearlessness and impartiality all are essence of judicial system in general and Judges in particular. If any

question is raised without any reasonable basis in respect of either of aforesaid essence on the face of a Judge, that too, in a judicial proceeding, the Judge has every right to refer to any undisputed fact even not on record of the said proceeding in his defence. A Judge has got no platform to show his impartiality and other aforesaid essence. While on oath as a Judge, we cannot even go to media for our defence. But, at the same time with a view to dispel any doubt supposed to be created in the mind of citizen in general against the judicial system, it is the duty cast on a Judge to uphold the majesty of law and take initiation against such person making such allegation without any reasonable basis. In any event, no one has got any authority to raise such question before a Judge in a proceeding, in a case where such aggrieved person is having remedy to challenge such alleged act before larger Bench/Court higher than such Court etc. Any such deviation and venturing to malign a Judge without reasonable and sound basis amounts to commission of contemptuous act and is liable to be punished in accordance with law.

9. Now-a-days, a very disturbing trend has developed in our system. If one is influential, powerful , i.e., both in money and muscle, he feels that he is having every privilege to do anything as per his convenience and to the peril of system or poor citizen.

10. If it is a question of protection of right of a citizen as per mandate of the Constitution of India, being a Judge of a High Court, it is our primary duty to come forward and examine the right of citizen in which cause of action even partly arose within the jurisdiction of such High Court, and endeavour to get such right enforced. It is mandate and declaration of our Constitution of India that no State shall make any law,

which takes away or abridges the right of a citizen conferred by Part III of the Constitution of India and any law made in contravention of this provision to the extent of the contravention, shall be termed as 'void'. Article 13(2) of the Constitution of India is very explicit. In a case of infringement of such right, a citizen is having remedy to approach a High Court invoking its jurisdiction under Article 226 of the Constitution of India or under Article 32 of the Constitution before the Hon'ble Supreme Court. However, in the present situation, which is prevailing in the State of Andhra Pradesh, with heavy heart, I may not refrain to record that protection of fundamental rights of citizens of the State of Andhra Pradesh by this Court has become very difficult. I have noticed blatant violation rather encroachment over the right of citizen granted under Articles 21 and 22 of the Constitution of India. As a Judge, I have come across several writ petitions with complaint that persons, without following due process of law, were picked up by the State through its police. After filing of the writ petition for issuance of writ of Habeas Corpus, either they are released or produced for his/their remand. Even on the direction of this Court in some cases, judicial enquiries were conducted in which allegation of illegal detention was found true. The learned counsel, in one case, who was associated with the proceeding before this Court in a writ of Habeas Corpus, was not even spared by the police. For about one and half an hour, he was detained and early in the morning, learned Advocate's house was searched, that too, without any authorization by the Magistrate or following any procedure as prescribed by the law. All the aforesaid facts were stated by the learned counsel on oath by filing an affidavit. It was not end in the matter. In the said writ petition, a Division Bench of this Court, presided over by me

(Hon'ble Sri Justice Rakesh Kumar), the Director General of Police, Andhra Pradesh (hereinafter referred to as 'DGP') was summoned regarding enforcement of rule of law in the State of A.P., in view of the law laid down by the Hon'ble Supreme Court in **D.K.Basu V. State of West Bengal**¹ and subsequent amendments in the Code of Criminal Procedure, 1973. The DGP gave assurance for educating its force. However, within no delay from such an assurance given by the DGP, a further affidavit was filed on behalf of detenu regarding threatening to detenu and learned counsel for withdrawal of the writ petition. The said writ petition, i.e., W.P.No.17209 of 2019 is a lead case of such batch cases in which the State of Andhra Pradesh has preferred an appeal before the Hon'ble Supreme Court and the Hon'ble Supreme Court has been pleased to direct stay of further proceedings pending before this Court. Several such writ petitions were withdrawn while proceedings in those cases were continuing before this Court. One can draw an adverse inference against the acts/excesses by the police in the State of Andhra Pradesh.

11. Besides the aforesaid situation, I have come across number of cases in which the writ petitioners had complained regarding their apprehension of dispossession from the land on which they were having possession and title too, without following due process of law and following principles of natural justice. Several such writ petitions have been disposed of in which the learned Government Pleader had agreed for disposal with an observation that the petitioner may not be dispossessed without following due process of law.

¹ AIR 1997 SC 610

12. One may not forget that this is only State, where the Hon'ble A.P Legislative Council when had not agreed to proceed with the tune of Hon'ble Legislative Assembly's decision regarding establishment of three capitals in one State, the Government of Andhra Pradesh recommended for abolition of Legislative Council itself. Even the office of State Election Commissioner, which is one of the Constitutional organs, was not spared, since the State Election Commissioner was not proceeding as per the wishes of the State Government.

13. To some extent after getting success in overreaching and undermining two Constitutional Bodies, i.e., Legislative Council and the State Election Commission, it was the turn of highest Court in the State of Andhra Pradesh, i.e., High Court of Andhra Pradesh (hereinafter referred to as 'AP High Court'). The AP High Court, with a view to protect the right of citizen has passed number of orders setting aside incorrect or unsustainable orders passed by Government of Andhra Pradesh. In the month of April, 2020, one of the Benches of this Court quashed Government Order regarding introduction of English Medium in Schools as compulsory subject and thereafter, social media was flooded with insulting and even abusive posts against this Hon'ble Court and one of the Hon'ble Judges of this Court. The Registrar General of AP High Court filed a complaint before the Superintendent of Police, CID, Cyber Crimes, and FIR was registered, no appropriate interest was shown by the Andhra Pradesh police. Again in the month of May, 2020, some stringent orders were passed against action/inaction on the part of the Government of Andhra Pradesh and thereafter, besides others claiming to be party supporter in power and one of the Hon'ble Member of Parliament had come against the High Court and its Judges. The Hon'ble

Member of Parliament went to the party office and gave interview in which he passed scathing and contemptuous comments against the AP High Court and its Judges. Again, the Registrar General of AP High Court filed an official complaint to the Superintendent of Police, CID, Cyber Crimes, on 24.05.2020, giving details and naming nineteen (19) persons as accused. Though the complaint showing cognizable offences was submitted by the Registrar General on 24.05.2020, belatedly, on 26.05.2020, two FIRs were registered, that too, by way of truncated written complaint, dated 24.05.2020, of the Registrar General, AP High Court. Thereafter, much belatedly, other FIRs were also registered on one complaint. Surprisingly, in all those FIRs, main accused persons, particularly, Hon'ble Member of Parliament was not arrayed as an accused in the 'accused' column of the FIR. The Andhra Pradesh police virtually indulged in a practice to protect the accused and even after registering FIRs did not show any adequate progress save and except showing paper or table work. At the same time, however, on the other hand, there are several instances in which if an adverse comment is made against the Government or its functionaries, without any delay, Andhra Pradesh police is registering FIR and even arresting the so called accused persons. Since on complaint of Registrar General, AP High Court, no adequate progress was going on, the AP High Court, on its administrative side, took a decision to initiate proceeding and a writ petition, *vide* W.P.No.9166 of 2020, was filed in which lastly, by order, dated 12.10.2020, the Central Bureau of Investigation, was directed to take up investigation and examine larger conspiracy. The order, dated 12.10.2020, passed in W.P.No.9166 of 2020 is reproduced herein below:

“ The petitioner, whose shoulder is heavily burdened with the responsibility of mainly protecting the right of a citizen guaranteed under Part III of the Constitution of India, is itself before this Court with inwardly pain due to indirect/direct attack on it by some of malefactors. Even some occupying high positions and Constitutional posts are not restraining themselves in committing the same mistake. Since the month of April, 2020, this Court has noticed that a new trend has developed in the State of Andhra Pradesh to abuse the High Court and its Judges on different sites of social media and even in the interviews given to electronic media. It is well-known that Judges are not having any platform to come and say about their integrity, sincerity etc., even in a case they are otherwise abused or insulted. It is true that under the provisions of the Contempt of Courts Act, 1971, in a case of willful disobedience/insult to the Court, one can be dealt with; but the fact remains that penal provisions under the Contempt of Courts Act are though enough to deter persons, who have some faith in the system; but not enough to deter such malefactors in making unwarranted allegations against the Judiciary or Judges. The person occupying high posts are indulging in waging war against the judicial system in the State of Andhra Pradesh oblivious of the fact that even their entity is existed since there is democratic system in our country. In a democratic State if such war is initiated against the judicial system by persons holding high positions, certainly it will create unnecessary doubt in the mind of citizen against the judicial system, which may cripple entire system. It need not to be elaborated that in the State of Andhra Pradesh, in general, people are well disciplined and law abiding. They have got faith in the system. However, it appears that the petitioner is being attacked by some corner with some oblique motive.

2. The petitioner, i.e., High Court of Andhra Pradesh, at Amaravati, taking decision on administrative side, has preferred to invoke the writ jurisdiction under Article 226 of the Constitution of India, primarily with a view to protect its entity from the attack of some of antisocial elements in our State.

3. The present writ petition was filed with a prayer for issuance of writ of an appropriate writ or order or direction, particularly, writ in the nature of writ of Mandamus:

A. To declare the action of the Respondent Nos.2 to 6 in failing to act progressively and to take necessary action and to invoke the appropriate provisions of law, as mandated, pursuant to the registration of FIR No.16/2020, dated 16.04.2020, and FIR No.17/2020, dated 18.04.2020 on the file of Respondent No.6 against the said offenders, as being illegal, arbitrary and unconstitutional, and in violation of provisions of Criminal Procedure Code and Information Technology Act, 2000, and

B. To declare the action of the Respondent Nos.7-9 & 19, more particularly, Respondent Nos.9 & 19, in failing to act against the Respondent Nos.10 to 18, where under social networking platforms are being utilized and abused for creating ill-will and hatred against the petitioner herein in the mind and eye of the Public, as being illegal, arbitrary, unconstitutional and in violation of provisions of IPC, Cr.P.C and I.T Act, 2000, thereby securing protection to the Judiciary, and

C. To declare the action of the Respondent Nos. 7 to 9 and 19 in failing to frame guidelines for the intermediaries in compliance of Section 79(2)(c) read with Section 87(2)(zg) of the Information Technology Act which authorizes the Respondent Nos.7 to 9 and 19 to prescribe guidelines to intermediaries, thereby securing certain protection to the Judiciary, and

D. Consequently, in the alternative, transfer the investigation in FIR No.16/2020 dated 16.04.2020 and FIR No.17/2020 dated 18.04.2020 to any other competent investigating Agency under the supervision and control of Respondent No.7, or direct the Respondent Nos.2 to 5 to act progressively and take necessary steps pursuant to the registration of said FIRs and

E. Consequently, to direct Respondent Nos.7 to 9 to frame guidelines for the intermediaries in compliance of Section 79(2)(c) read with Section 87(2)(zg) of the Information Technology Act which authorizes the Respondent Nos.7 to 9 to prescribe guidelines to intermediaries.

F. Consequently, to direct the respondent Nos.10 to 18 to devise self-regulatory framework to prohibit the posting of defamatory, incriminatory and abusive contents on their respective platforms with respect to Judiciary in India, and

G. Consequently to direct the Respondent Nos.10 to 18 to forthwith remove all such posts/comments/tweets/videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court as reported in the said FIR No.16/2020 dated 16.04.2020 and FIR No.17/2020 dated 18.04.2020 on the file of Respondent No.6, in consultation with the petitioner herein and further desist and cease any such posts/comments/tweets/videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court, and

H. Consequently to direct the Respondent Nos.7 to 9 and 19 to frame, formulate and promulgate Uniform Guideline/ Regulations to protect the image, reputation and sanctity of the Hon'ble Supreme Court of India and the Hon'ble High Courts of all States in India, and also, the Hon'ble Judges of the Hon'ble Supreme Court of India and Hon'ble Judges of the Hon'ble High Courts of all States in India, and also the paraphernalia attached to the Hon'ble Courts, from any sort of attack through the print, electronic and social networking media, or in a manner of insulting, threatening, derogatory, discriminatory, provocative in nature or even such that it incites and encourages use of violence, either through social media or any other forum or platform, by appropriately amending the statutes and penal laws governing the print and electronic media.”

4. Even after filing of the two complaints by the Registrar General of High Court of Andhra Pradesh; one on 16.04.2020 and another complaint, dated 17.04.2020, culminating to registration of two Crimes, vide Crime No.16 of 2020 and Crime No.17 of 2020 registered for the offences under Sections 505 (2) and 506 of the Indian Penal Code, 1860, instead of decline in posting defamatory posts on social media, it started increasing. Earlier, two complaints were filed on noticing defamatory posting against one of the Hon'ble Judges of this Court, which was posted by one of the alleged accused, namely, Kondareddyhanireddy, YSRCP, shared by (i) Sudheer Pamula; and (ii) Mani Annapureddy on 15.04.2020. It is evident from running page no.28 of the main writ petition that a complaint, dated 16.04.2020, made by the Registrar General to the Superintendent of Police, Cyber Crimes-CID, Amaravati, that such posts were made due to the reason that the Hon'ble Judge has quashed the Government Order relating to introduction of English Medium in schools. Almost, in the same context, again on 17.04.2020, a written report was submitted under the signature of the Registrar General to the Superintendent of Police, Cyber Crimes, CID, disclosing cognizable offences against the accused persons on an allegation of posting on social media. Two FIRs were lodged; one on 16.04.2020 itself; and second on 18.04.2020. Subsequently, again there were number of posts on social media against the Judges of the High Court, Hon'ble Supreme Court and including High Court itself. Again immediately thereafter, one another written report was filed by the Registrar General of the High Court on 24.05.2020 addressed to the Superintendent of Police, Cyber Crimes, CID. This time again, the Court and the Judges were abused in view of some of the orders passed by this Court. The written report is re-produced herein below:

"B.RAJASEKHAR
REGISTRAR GENERAL

AMARAVATI
Dt.24.05.2020

To
The Superintendent of Police,
Cyber Crimes - CID,
Amaravathi, Andhra Pradesh,

Sir,

Sub: Complaint regarding abusive, life threatening and intimidating postings in Social Media against the Hon'ble Judges, fabricating material against the High Court and Hon'ble Judges and posting in Social Media to bring hatred, contempt, incite, disaffection and ill-will against the High Court and Hon'ble Judges - seeking expeditious registration of case and action as per law - Reg.

* * *

I am to inform you that Registrar (Judicial) of the High Court has received various emails in the Official email account and mobile of Registrar (Judicial) with Videos and postings in the social networking media and the material reveal names of several persons including Mr.Nandigam Suresh, Mr. Amanchi Krishna Mohan, Mr. Metta Chandra Sekhar Rao, Mr. Kalanidhi Gopala Krishna, Mr. Kishore Reddy Darisa, Mr. Chandu Reddy, Mr. G.Sridhar Reddy, Mr. Jelagam Venkata Satyanarayana, Mr. Arjun Ganji, Mr. Sridhar Reddy Avuthu, Mr. Ramanjaneya Reddy, Mr. Satish Kumar, Mrs. Gowthumi K, Mr. Linga Reddy, Dr. Ravi Kumar, Mr. Samir Rathod, Mr.Seenu P, Mr. Ramesh Gunta, Mr. Chiranjeevi and others, in their interviews/speeches/postings attributed motives, caste and corrupt allegations to some of the Hon'ble Supreme Court Judges, Hon'ble High Court and Hon'ble High Court Judges in delivering orders/judgments including Suo Moto PIL 124 of 2020, WP(PIL) 110 of 2020, WP(PIL) No.101 of 2020, WP(PIL) 177 of 2019, WP(PIL) 183 of 2019 and WP No.8185 of 2020, they posted abusive, life threatening and intimidating postings against the Hon'ble Judges in social media as furnished in the enclosures, they also fabricated material with abusive, hatred and contemptuous contents and to cause incitement, disaffection and ill-will against the Hon'ble High Court and Hon'ble Judges. A video footage of Sakshi news reveal that Mr. Nandigam Suresh in his live speech from YCP Office, Tadepalli, attributed motive to the High Court that Mr. Chandrababu Naidu is managing the High Court, he also stated that how Mr. Chandrababu Naidu came to know the verdict prior to half an hour or 10 minutes of its pronouncement and he shall be enquired. Mr. Chandu Reddy tweeted that "total how many judges are there in High Court, all those will be cut into pieces" and also tweeted that "Everyone shall be cut into pieces. All the Judges shall be kept in a room and a Corona Patient shall be left with them." and Mr.Kishore Reddy Darisa in a facebook message stated that "All the High Court Judges are Bastards, they are good for nothing except for sleeping with their wives. Let them arrest me and order for CBI enquiry", further, there are identical and other abusive and intimidating messages on the social media. All these appear there is larger conspiracy against the Hon'ble Judges.

The contents in the Video Clippings/Postings also amount to contempt for trying to scandalize and lower the image of the Hon'ble Court and Hon'ble Judges.

I submit that the Registrar General also lodged reports on 16-04-2020 and 17-04-2020 for posting abusive and intimidatory material against Hon'ble Sri Justice M.Satyanarayana Murthy.

I am directed, to request you to register a case as per law, investigate into the matter, trace the culprits to punish them as per law, apprehend the culprits, cause removal of the abusive and other intimidating/offensive postings in the social media such as Twitter, Facebook, Youtube etc. and inform the full particulars of Culprits and progress of the investigation at appropriate stages to examine and proceed as per law including to examine for initiating contempt proceedings as per law.

I am herewith enclosing the Videos and Clippings/Postings along with emails, which were received by the Registry.

*Yours Sincerely,
Sd/
Registrar General*

Copy to:

- 1. The Director General of AP, Police Headquarters, Mangalagiri, Guntur District,*
- 2. The Secretary, Ministry of Home Affairs, Govt. of India, New Delhi,*
- 3. The Prl. Secretary (Home), AP Secretariat, Nelapadu, Amaravati,*
- 4. The Addl. Director General of Police, CID, Cyber Crimes, Hyderabad."*

5. On 22.05.2020, different Benches of this Court had passed different orders in Suo Moto PIL 124 of 2020, WP(PIL) 110 of 2020, WP(PIL) No.101 of 2020, WP(PIL) 177 of 2019, WP(PIL) 183 of 2019 and WP No.8185 of 2020, which were passed against the orders and actions of the State Government and its functionaries. Immediately thereafter, the social media was flooded with objectionable posts. Even the persons occupying high position went to the media and gave interviews against the High Court and its Judges, that too, from the party office belonging to a political party, which is in power. Accordingly, this was the reason for filing written report/complaint by the Registrar General for registering FIR.

6. In the present writ petition, earlier on notice, almost all the respondents had entered appearance and on behalf of most of the private respondents, which includes Twitter, Facebook, Instagram, Whatsapp, Google, Youtube etc., interlocutory applications were filed for their deletion on some grounds. While those petitions were pending, one another interlocutory application was filed on behalf of the petitioner, which was numbered as I.A.No.20 of 2020. The petitioner also sought for amendment of pleadings/averments raised in the interlocutory application by incorporating paragraphs 8 (A) to 8(I), which are as follows:

8A. It is submitted that pursuant to the filing of the present Writ Petition, the then Registrar General, High Court of Andhra Pradesh after the registration of Crime Nos.16 and 17 of 2020, had sent another Complaint dated 24.05.2020 to the 5th Respondent regarding the abusive, life threatening and intimidating postings in Social Media against the Hon'ble Judges. It was stated that the postings were made to bring hatred, contempt, incite, disaffection and ill-will against the High Court and Hon'ble Judges. Copy of the complaint is filed herewith.

8B. It is submitted that the contents of the said complaint dated 24.05.2020 lodged by the then Registrar General, High Court of Andhra Pradesh in brief are as follows:

(i) Various emails were received on the official email account and mobile of the Registrar regarding the postings and videos in the social networking media and the material revealed the names of several persons, in their interviews/ speeches/postings attributed motives, caste and corrupt allegations to some of the Hon'ble Supreme Court Judges, Hon'ble High Court and the Hon'ble High Court Judges in delivering orders/judgments including in *Suo Moto PIL 124 of 2020*, *WP(PIL) 110 of 2020*, *WP(PIL) 101 of 2020*, *WP(PIL) 177 of 2019*, *WP(PIL) 183 of 2019* and *WP No.8185 of 2020*, they posted abusive, life threatening and intimidating postings against the Hon'ble Judges in social media.

(ii) They have further fabricated material with abusive, hatred and contemptuous contents and to cause incitement, disaffection and ill will against the Hon'ble Court and Hon'ble Judges.

(iii) A video footage of Sakshi news reveal that Mr. Nandigama Suresh in his live speech from YSRCP Office, Tadepalli, attributed motive to the High Court that Mr. Chandrababu Naidu is managing the High Court, he also stated that how Mr.Chandrababu Naidu came to know the verdict prior to half an hour or 10 minutes of its pronouncement and shall be enquired.

(iv) One Mr.Chandu Reddy said that “Total how many judges are there in High Court, all these will be cut into pieces and also tweeted that “Everyone shall be cut into pieces. All the Judges shall be kept in a room and a Corona Patient shall be left with them.”

8C. It is submitted that the 5th respondent after receipt of the above complaint has registered Crime Nos.9, 10, 11, 12, 26, 27, 28, 29, 30 and 31 of 2020 on various dates. However, no proper action as mandated under Code of Criminal Procedure has been taken against the Accused till date by the Respondent Nos.4 to 6. The inaction against those miscreants who chose to attack the Judiciary and are treating the Constitutional Institution as vulnerable and defenseless.

8D. The writ petitioner reserves the right to file a detailed rejoinder to the Counter Affidavits filed by the Respondent Nos.4 to 6, but nevertheless, it is respectfully submitted that the Respondent Nos.4 to 6 are absolutely lackadaisical, casual and averse to act promptly and swiftly against those social media users/posters/tweeters who are taking pride in attacking the Judiciary and who are visible on every day basis for the prosecution to take notice. It is further submitted that a prominent politician issued a statement that the social media users affiliated to his political party will be protected; statements and support of this nature seems to be embolden the social media users who are taking fancy to launch scathing attack against the Judiciary at personal level, which is causing severe distress and insecure feeling & fear to the family members of the Judiciary.

8E. It is submitted that causing further distress to the Hon’ble High Court Judges and the Judiciary fraternity, certain key personnel of the current dispensation of the State of Andhra Pradesh, had

passed deplorable and painful comments on the functioning of the Hon'ble High Court of AP and judgments delivered. Such comments from the key personnel who are occupying posts of prominences, authoritative and constitutional in nature, in the State of A.P., targeting the Hon'ble Judges had severely affected the reputation of Judiciary as an independent institution. The relevant documents are filed for perusal.

8F. It is submitted that the above comments made were widely published in the print, electronic and social media and there which has seriously affected the independence, sanctity and reverence of the Constitutional identity of this Hon'ble Court. Such uncalled and unnecessary statements by a person holding a constitutional post has tended support to the people who were personally targeting the judges by making abusive and threatening comments.

8G. It is submitted that to aggravate the prevailing attack on the Hon'ble High Court and the Hon'ble Judges, Member of Parliament (Rajya Sabha) and General Secretary of Yuvajana Sramika Rythu Congress Party made comments on 19.09.2020 against the Judicial Officer, that too, paved during the course of dispensation of justice and which can be tested before an Appellate Court. Thus, it appears that a concerted effort has been made to malign the institution, having larger conspiracy. The police is also in their control, and are not taking adequate action as required.

8H. in fact, on the contrary, to elaborate further, it is respectfully submitted that whenever comments made against the current Government functionaries several cases have been registered even basing on the complaints of unrelated persons and the Police/Investigating Agencies promptly arrested such accused persons in some cases and the Investigating Agencies have been evincing interest in proceeding with only those matters. The details of some of the cases which are registered against the said persons are as follows:

Sl. No.		Date of Registration	Section of Law	Nature of accusation	Complaint lodged by	Date of arrest	Date of issuance of Section 41-A notice
1.		07.07.2019	506 IPC 66-A ITA	Offensive posts and messages against Hon'ble AP CM through Facebook Messenger	B.Narasimha Reddy	NA	
2.		22.08.2019	153, 505(2) IPC	Hakeem Mohammed posted in vulgar language in his Facebook account which are against to Hon'ble APCM, AP Civil Supply Minister Sri Kodali Venkateswara Rao @ Nani and 150 AP MLA members	Baig Karimulla		
3.		30.08.2019	153A, 505(2) r/w 34 IPC, 67 ITA	Uploaded Whatsapp video in rustic language abusing Hon'ble AP CM	Subramanyam R	NA	
4.		14.12.2019	509 IPC, 67 ITA	Abusive messages which are against to YSRCP MLA Smt. Vidadala Rajani on Facebook	Maruboyina Nagaraju	15-12-2019	
5.		28.12.2019	153 A, 504, 506 IPC	Provoking and derogatory comments insulting Hon'ble AP CM in a video in Social Media	Uddaraju Purushothama Varma	NA	
6.	29.04.2020	29.04.2020	505(2), 506, 188 IPC & Section 54 of DMA	Offensive and fabricated audio clip in a News channel, stating the state is unsafe during Corona, against Hon'ble AP CM and later being circulated on Social Media sites	Prathuri Jagadeesh	30/04/2020	
7.	18/05/2020	18.05.2020	505(2), 153 A, 188, 120-B r/w 34 IPC & 67 ITA	Defamatory post alleging the Government's steps regarding the L.G. Polymers gas leakage issue insulting the Government and Hon'ble AP CM is being circulated in Facebook	Mekala Venkateswara Rao		
8.	19.5.2020	19.5.2020	188, 505 IPC, 67 ITA, 54 DMA	Vulgar comments against Government's COVID-19 preventive measures in Social Media with morphed photos and videos against to AP Government Health Department and Police Department	Chunduri Ramesh Babu		
9	20.05.2020	20.05.2020	143 A, 505 (1) IPC 67 ITA	Accused published a insulting photo of Irrigation Minister Dr.P.Anil Kumar Yadav through his Facebook account and caused annoyance to public tranquility	Balakrishna Reddy Sandireddy	23.05.2020	
10.	14.7.2020	14.7.2020	153.A, 507, 205 IPC	Posted defamatory and abusive comments against Hon'ble AP CM and TTD Chairman on Facebook	Pappala Grest Aruna Sastri		
11		20.08.2020	153 A, 505(2), 295-A IPC r/w 120-B IPC	Fake and defamatory posts in Facebook and Whatsapp which are against to M.P. G.V.L.Narasimha Rao	Kanaparthi Girija Srinivas		

8l. Thus, the Judiciary requires protection, and the following are the reasons that show the need of broader protection of the Judiciary against the unfair and unwarranted criticism from Media and Public review:

1. Abusive criticism undermines public confidence in the legal system and administration of justice.

2. *Shielding judges from criticism serves an important public interest of protection of judicial independence.*

3. *Protective standards ensure a smooth administration of justice.*

4. *It is known fact that judges by the nature of their work cannot defend themselves since they are barred from replying to their criticism. In other words, “judges can’t fight back’.*

5. *Constitutional maturity has now secured judges’ place in the society and accordingly specific protection to judges is viewed as patronizing to a highly professional and well trained group of public officials.”*

7. *However, on 06.10.2020, when the interlocutory application, i.e., I.A.No.20 of 2020 was taken up, since the petitioner wanted some direction for proper investigation into the case and also the cases registered after filing of the writ petition, this Court opined that presently there was no need to pass a specific direction or ask the private respondents to file their response on the subject in issue. Hearing in the case was deferred on the request of the learned Advocate General.*

8. *In the case, one another interlocutory application, vide I.A.No.19 of 2020, was filed by one of the private persons to be impleaded as respondent No.27 in the present writ petition since the intervener petitioner wanted to bring some more facts on record in support of the allegations made in the writ petition. On 08.10.2020, when the aforesaid writ petition was taken up, after considering the arguments advanced by Sri Unnam Muralidhar Rao, learned counsel assisted by Sri Unnam Sravan Kumar, learned counsel for the implead petitioner, this Court was not inclined to allow the implead petitioner to be added as respondent and implead petition was disposed of observing therein that ‘it goes without saying that if the petitioner is having sufficient material, he would be at liberty to render proper assistance to the investigating agency. The investigating agency is also required to approach the implead petitioner for complete and better investigation into the matter’.*

9. *On amendment petition, i.e., on I.A.No.20 of 2020, since the learned Advocate General had not raised any objection, and otherwise also by filing interlocutory application, the petitioner wanted to bring on record some new facts, this Court directed to treat the interlocutory application, I.A.No.20 of 2020, as part of the writ petition. Thereafter, we heard Sri N.Ashwani Kumar,*

learned counsel for the petitioner, Sri S.Niranjan Reddy, learned senior counsel appearing on behalf of respondents 4 to 6 and the learned Advocate General, particularly on the point as to whether the investigation in issue may be entrusted to any other agency, particularly, an agency well equipped and having number of branches in India. This Court recorded submissions of Sri S. Sriram, learned Advocate General, which is quoted herein below:

“Having regard to the submissions made by the petitioner and having regard to the course of submissions made; in the interests of comprehensive, effective and in-depth investigation, which is possible at the hands of an Agency, which has multiple branches and better resources without any adversarial adjudication of respective contentions, if this Hon’ble Court is of the view that the matter would be entrusted to any Agency, the State would not have any objection to have the same investigated.

The State would not do anything to give an impression that it wanted to hamper the investigation.”

10. Learned Advocate General, though agreed for entrustment of investigation to other investigating agency, has raised serious objection on the submissions made by the learned counsel for the petitioner, particularly, to the point where he had referred certain documents to show the statements made by the Hon’ble Speaker, Hon’ble Deputy Chief Minister and Hon’ble Member of Parliament (Rajya Sabha) on the ground that they were not arrayed as parties in the writ petition nor those facts have been corroborated. He further submitted that there were many discrepancies in the translated version of the documents referred hereinabove.

11. Be that as it may, it is clarified that this Court has not gone into the merit of the case and has refrained to record any finding/observations against either of the parties, which include private parties.

12. Sri S.Niranjan Reddy, learned senior counsel appearing on behalf of respondents 4 to 6/CID, had also consented for entrustment of the investigation to any other independent investigating agency having more resources and branches at different places.

13. Sri N.Ashwani Kumar, learned counsel for the petitioner, submitted that the CID is taking an entirely different stand in cases related to attack made on the High Court and it’s Judges; and, in case of any such comment

made against the Government. By way of referring to paragraph 8H mentioned hereinabove, he highlighted that in cases of offensive posts against the Government and complaints filed by any one those were registered as FIR on the same date; and, in some cases immediately accused persons were also arrested. But in case of offensive posts against the Judiciary, respondents 4 to 6 (CID) are casual and lackadaisical. He tried to persuade the Court that the aforesaid conduct of the CID makes it clear that they are not proceeding with the investigation in an impartial manner.

14. Sri N.Ashwani Kumar, learned counsel for the petitioner, has taken the Court to running page Nos.28 and 33, i.e., copies of complaints, dated 16.04.2020, and 17.04.2020, under the signature of the Registrar General addressed to the Superintendent of Police, Cyber Crimes-CID. He highlighted that on the said complaints, two FIRs vide Crime No.16 of 2020 was registered on 16.04.2020 under Sections 505(2) and 506 of IPC against three accused persons, namely, Mr.Kondareddy Dhamireddy, Mr. Mani Annapureddy and Mr.Sudheer Pamula. Similarly, Crime No.17 of 2020 was registered on 18.04.2020 against four accused persons, namely, (i) Pattapu Adarsh; (ii) Mani Annapureddy; (iii) Abhishek Reddy; and, (iv) Siva Reddy, under the same provisions. He tried to persuade the Court that though on the complaint of the Registrar General/informant, FIR was registered on 16.04.2020, and on 17.4.2020, his re-statement was recorded much belatedly on 01.05.2020. He has also referred to paragraph 6 of the writ petition, which is quoted herein below:

“Since the said defamatory comments on platforms provided by Respondent Nos.10 to 18 continued unabated, the petitioner once again on 17.04.2020 registered/lodged complaint. The said complaint was received and the same was registered as FIR No.17/2020, dated 18.04.2020 for offences attracting Sections 505(2) and 506 of IPC, naming four persons as Accused. The statement of the deponent was recorded on 01.05.2020 as part of investigation, and the relevant material was submitted by the deponent to the Respondent No.6. While the petitioner was awaiting information of the progress of the investigation, since, the same concerns the image of the Judiciary, which is one of the three pillars of this democratic Nation; the Respondent No.5 vide letter dated 13.05.2020 communicates to the petitioner herein that e-notices were sent to the Nodal Officers of Respondent Nos.10 and 12, to furnish the registration particulars of the Facebook accounts of the Accused persons, to establish their

identity and to access the IP logs of their respective accounts. Further, request was made as under Section 79(3) of the IT Act, 2000 to delete the incriminating posts and comments made by the accused persons and also to preserve the same as under Section 67-C of IT Act, 2000 for the purpose of investigation.”

15. Sri N.Ashwani Kumar, learned counsel, has taken the Court to a document, which is at running page no.46, i.e., letter, dated 13.05.2020, send by the Superintendent of Police, Cyber Crimes, CID, to the Registrar General, and tried to persuade the Court that by the said communication, it was highlighted that the investigating official had sent notices to the Nodal Officers of the Facebook, Instagram, Twitter International Company to furnish registration particulars of the Facebook accounts of the accused persons. However, Facebook gave a reply stating that they require formal legal process for any records that is issued from a court of competent jurisdiction and complies with the Stored Communications Act, 18 U.S.C. Accordingly, it was communicated in letter, dated 13.05.2020, that letters of request for Mutual Legal Assistance are being prepared to comply with the demands made by Facebook. He has placed the reply affidavit filed on 23.09.2020 on behalf of respondent No.9. He has specifically referred to paragraphs (8) and (11) of the affidavit filed on behalf of respondent No.9 duly sworn by Mr. Dhawal Gupta, Scientist-E/Additional Director in the Cyber Laws and E-Security Division, Ministry of Electronics and information Technology, Government of India. It would be better to reproduce paragraphs (8) and (11) of the said affidavit, which are as follows:

“8. I state that as per the above Rules, it is mandatory that a request has to be received only through the Nodal Officer of the respective State or the government department specifically designated to send a request for blocking the access of a computer resource. Nodal Officers have been specifically designated for all States and Union Territories to consider complaints received from individuals or organizations. The Nodal Officer on being satisfied that the complaint warrants a blocking action may send a request for blocking to MeitY (the answering respondent herein). Only a Nodal Officer who is authorized by the respective Government is permitted to send a request for blocking access to the information. No individual can directly request for blocking of access to any content. This legal process is mandatory to be followed in blocking

websites/URLs/ applications. The list of Nodal Officers specifically designated for all States and Union Territories for Section 69A of the IT Act 2000 is available on the Respondent website - www.meity.gov.in. A copy of Nodal Officers is annexed hereto and marked as Annexure B.

11. Submission of the Answering Respondent on the applicability of Section 69A to this case:

A. I submit that as per “Blocking Rules” it is mandatory that only the Nodal Officer (specifically designated for States/Union Territories) has to send the request for blocking the access of a computer resource. The Nodal Officer for the State of Andhra Pradesh is:

Smt.M.Sailaja, Special Officer,
Room No.208, A-Block, IT & C Department,
A.P. Secretariat, Hyderabad- 500 022.
Phone: 040-23456408
E mail: so portal itc@ap.gov.in
Fax: 040-23451092.

B. I respectfully submit that the answering respondent (MeitY) has not received any request from the Nodal officer of Andhra Pradesh designated under Section 69A of the IT Act for blocking the content alleged in the petition. Furthermore, the petition does not indicate any instance of a complaint being filed before the appropriate authority, i.e., the Nodal Officer of Andhra Pradesh.

C. I further submit that the specific circumstances enumerated under Section 69A primarily relate and intend “national security issues and issues that seriously affect public order in the nation only”. A bare perusal of the Section 69A reveals that ‘Defamatory or Degrading Content’ does not fall in the ambit of Section 69A. It is respectfully submitted that in the view of the answering respondent the subject litigation that pertains to defamation does not fall under Section 69A. I respectfully submit that if the Hon’ble Court is of the view that said issues fall under Section 69A that necessitates blocking then orders may be issued under Rule 10 of the Information Technology (Procedure and Safeguards for Blocking for Access of Information for Public) Rules, 2009” which permits Court order based blocking more fully stated under para 10(D) of this affidavit, which the answering respondent will duly complied with”.

16. Sri Ashwani Kumar, learned counsel for the petitioner, by way of referring to the aforesaid facts, tried to persuade the Court that the investigation by respondent No.5-CID was not proceeding in its right perspective. He has further argued that though on third occasion, on 24.05.2020, when a written report was filed by the Registrar General, which was received in the office of Superintendent of Police, respondent No.5, on the same date, to the reasons best known to the respondent No.5, contrary to the provisions made under Section 154 of the Code of Criminal Procedure, 1973, two days thereafter, one truncated FIR was lodged vide Crime No.9 of 2020 under Sections 153A, 505 (2) and 506 of IPC. He tried to persuade the Court that in the written report, dated 24.05.2020, which was under the signature of the Registrar General, specifically nineteen persons were shown as accused, namely, (i) Mr. Nandigam Suresh, Member of Parliament, YSRCP; (ii) Mr. Amanchi Krishna Mohan, former MLA of YSRCP; (iii) Mr. Metta Chandra Sekhar Rao, learned Standing Counsel for A.P. State Legislative Assembly; (iv) Mr. Kalanidhi Gopala Krishna, Advocate; (v) Mr. Kishore Reddy Darisa; (vi) Mr. Chandra Reddy; (vii) Mr. G.Sridhar Reddy; (viii) Mr. Jelagam Venkata Satyanarayana; (ix) Mr. Arjun Ganji; (x) Mr. Sridhar Reddy Avuthu; (xi) Mr. Ramanjaneya Reddy; (xii) Mr. Satish Kumar; (xiii) Mrs. Gowthumi K; (xiv) Mr. Linga Reddy; (xv) Dr. Ravi Kumar; (xvi) Mr. Samir Rathod; (xvii) Mr. Seenu P; (xviii) Mr. Ramesh Gunta; and, (xix) Mr. Chiranjeevi. To the reasons best known to respondent Nos.4 and 5, one FIR was lodged on 26.05.2020 vide Crime No.9 of 2020 incorporating the name of only one accused in the 'accused' column of the FIR. Similarly, according to the learned counsel for the petitioner, other nine FIRs were lodged on the basis of one written report, dated 24.05.2020, filed by the Registrar General. However, the respondent/CID selectively had arrayed only few persons whose names were appearing in the written complaint, dated 24.05.2020, as accused in the FIR. He tried to persuade the Court that from the very inception the CID started to shield/save the accused persons who were influential, i.e., one Member of Parliament, Member of Legislative Assembly and one Standing Counsel for A.P. State Legislative Assembly and some other accused persons. An allegation was made that despite registration of altogether twelve FIRs, in none of the cases, investigation proceeded in its right perspective.

17. Sri Ashwani Kumar, by way of referring to number of documents brought on record through I.A.No.20 of 2020, which has been directed to be treated as part of the writ petition, has argued that the attack on Judiciary is continuously increasing with impunity. He has referred to some documents of

running page Nos.21 to 29 and Page No.43 of I.A.No.20 of 2020 relating to certain news items and tried to persuade the Court that even the sitting Hon'ble Speaker of Andhra Pradesh Legislative Assembly and the Hon'ble Deputy Chief Minister have also not restrained themselves in making scathing remarks against the Judiciary. He further, by way of referring to running page No.40 of the petition, has argued that one Hon'ble Member of Rajya Sabha, namely, Sri Vijayasai Reddy, has joined together in a move to make scathing remarks against the High Court.

18. By way of referring to aforesaid facts, learned counsel for the petitioner tried to persuade the Court that against the Judiciary, which is one of the main pillars of the democracy, such scathing attack is being made with impunity, which requires immediate intervention and thorough investigation; and, as such, it was prayed to entrust the investigation into the aforesaid matter to an independent investigating agency. He further submits that in view of the fact that the attack has been made by the persons occupying high positions and associated with the Government, there is no possibility of fair and independent investigation at the hands of an agency under the control of the State Government and requested to entrust the case to an independent and well equipped investigating agency like the CBI.

19. Sri S.Niranjana Reddy, learned senior counsel, has vehemently opposed the allegation made by the learned counsel for the petitioner. He, by way of referring to the facts disclosed in the counter affidavit as well as additional counter affidavit, duly sworn by respondent No.5, highlighted that after receipt of the complaint, CID has immediately registered the FIR; and, as per procedure prescribed under the Code of Criminal Procedure as well as Cyber Laws, they are proceeding with the investigation. According to Sri S. Niranjana Reddy, learned senior counsel, the allegation of the petitioner that CID is hand in glove with the accused persons is irrelevant, having no basis, and such allegation has been made without any such appropriate pleading. However, at the time of hearing, on being asked by the Court, considering the nature of the allegations made against one of the pillars of democratic set up, i.e., Judiciary, as to what would be the difficulty if the investigation into the matter is entrusted to an agency, which has got more wider jurisdiction and having branches in different States with more manpower and more equipped than the present agency, which has got very limited resources, learned counsel for respondents have shown no objection. This Court at the time of hearing had made it clear that in view of facts and circumstances and for better and

deep investigation, this Court may not take any notice of allegations which were made by the learned counsel for the petitioner. Being responsible officers of the Court, Sri S.Niranjan Reddy, learned senior counsel, appearing on behalf of respondent Nos.4 to 6, as well as Sri S.Sriram, learned Advocate General had shown appreciable gesture and all the parties had agreed for entrusting the investigation to an another investigating agency, well equipped and having number of branches. Accordingly, without going into the merit of the case or without recording any observations against either of the parties, we propose to direct to entrust all the matters to an agency, namely, Central Bureau of Investigation, which is fairly fit, having wider scope for investigation as agreed by all the parties.

20. Accordingly, this Court directs to entrust all the FIRs, namely, Crime Nos.16 of 2020; 17 of 2020; 26 of 2020; 27 of 2020; 28 of 2020; 29 of 2020; 30 of 2020; 31 of 2020; 9 of 2020; 10 of 2020; 11 of 2020; and, 12 of 2020 of Cyber Crimes-CID, Amaravati, to the Central Bureau of Investigation through its Director. Investigation in all the aforesaid FIRs stands transferred to the Central Bureau of Investigation. The CBI, through its Director, is required to take up investigation in all the aforesaid FIRs forthwith and proceed with the same in accordance with law.

21. The Registry is directed to handover the entire material including writ petition, I.A.No.20 of 2020, with entire enclosures, which includes counter affidavits and other relevant documents as certified to be true copies of them, to the CBI as and when approached. It goes without saying that on examination of materials available on record, if other materials disclose cognizable offences, it would be necessary for the CBI to register more FIRs, investigate and bring the same to its logical end. While conducting investigation, it would be necessary to examine as to whether such attacks on Judiciary were made as a result of larger conspiracy or not. If it is noticed that it was due to the result of larger conspiracy, the CBI is required to take appropriate action against such culprits irrespective of the post and position. It goes without saying that the CBI immediately after taking up investigation may take steps so that all the defamatory posts available on social media, i.e., private respondents, may struck down and may also take steps to block such users in accordance with law. The Registry is directed to forthwith communicate a copy of this order to the Director, Central Bureau of Investigation, New Delhi.

22. *The CBI is further directed to submit its report in sealed cover to this Court within eight weeks from the date of receipt of a copy of this order.*

23. *The Government of Andhra Pradesh, through its Chief Secretary as well as the Director General of Police, are directed to ensure full cooperation and assistance and provide all logistic support, if asked by the CBI.*

24. *Put up the matter on 14.12.2020.”*

14. In the present batch of cases in which final hearing is yet to commence, unceremoniously a petition has been filed, not by the private party, but on behalf of the State of Andhra Pradesh, duly sworn by a senior bureaucrat making some wild allegation against one of the members of the Division Bench (Hon’ble Sri Justice Rakesh Kumar). For a while I was astonished with such behaviour of State but immediately thereafter, I perceived that bureaucrats of this State have been emboldened after apparent success of the Hon’ble Chief Minister of the State of Andhra Pradesh in addressing a letter to the Hon’ble the Chief Justice of India and making it public, making allegation against one of the senior Judges of Hon’ble Supreme Court, the Hon’ble Chief Justice of A.P High Court and number of sitting Judges of A.P High Court with their name.

15. Before dealing with the aspect, certain important facts are required to be noticed. It is common knowledge that issue regarding criminalization in politics is in debate since for last decade or more. With a view to prevent criminals to enter active politics, general steps are continuing. In the context, Hon’ble Supreme Court, in a case in **Ashwini Kumar Upadhyay v. Union of India & Others**, is seized of the matter. Fortunately, the said three Judges Bench of the Hon’ble Supreme Court is being presided over by a senior-most Judge, namely,

Hon'ble Mr. Justice N.V.Ramana with other two Judges. Since the month of September, 2020, the Hon'ble Supreme Court has taken serious and vigorous efforts to see that criminal cases pertaining to M.P/M.L.A may take accelerated speed for its early disposal. In this context, certain directions were given to the Chief Justices of all the High Courts of the country including High Court of A.P., Amaravati, and High Court for the State of Telangana, at Hyderabad. One such important direction was given by the Hon'ble Supreme Court on 16.09.2020, in Writ Petition (Civil) No.699 of 2016, which is quoted herein below:

“ The Court is convened through Video Conferencing.

1. This matter of paramount public importance pertaining to inordinately delayed inquiries/investigation and/or criminal trials, pending against legislators under various enactments first came up for hearing on 14.09.2016, when notice was issued. This court had earlier passed various orders intending streaming and speedy dispensation of justice delivery.

2. In furtherance of the above, by our earlier order dated 10.09.2020, we sought information from certain High Courts regarding criminal cases pending against legislators under special legislations such as the Prevention of Corruption Act, 1988 etc. The operative part of the said order reads as follows:

“8. Lastly, the learned amicus curiae submitted that it appears that complete information regarding pending cases against legislators (sitting or former) relating to special legislations such as the Prevention of Corruption Act, 1988, the Prevention of Money Laundering Act, 2002, Excise Act, 1944, Customs Act, 1962, Central Goods and Service Tax Act, 2017 and Companies Act, 2013 have not been placed on record.

9. Taking into consideration the relief sought, the pleadings and the orders passed by this Court in this matter, it is clear that all the criminal cases even under special legislations, where MPs/MLAs (sitting or former) are involved are the subject matter of the present proceedings. Even though we have granted time to all the High Courts to furnish the requisite information, only the High Courts of Karnataka, Madhya Pradesh, Tamil Nadu, Delhi, Jharkhand and Guwahati have done so. The remaining High Courts have not yet furnished the requisite information regarding cases pending against legislators (sitting or former) under the abovementioned special legislations, in compliance of our earlier orders.

10. In view of the above, we grant two days-time to all the remaining High Courts to provide the requisite details of the pending cases and their stages, in the format already approved vide order dated 05.03.2020, to the learned amicus curiae by way of e-mail to enable him to make submissions in the matter on the next date of hearing. A copy of the same be also sent to the Secretary General of this Court.

11. Let the matter be listed on Wednesday, the 16th September, 2020.”

3. The revised office report indicates that 11 High Courts have submitted reports furnishing the information sought by us, with one of the High Courts having submitted the same only a night before this hearing. The learned amicus curiae, Mr. Vijay Hansaria, Senior Counsel, has submitted a supplementary report in addition to his report dated 08.09.2020, on the basis of the information furnished by 10 of the High Courts. The supplementary report indicates that there are about 175 cases under the Prevention of Corruption Act, 1988 and 14 cases are pending under the Prevention of Money Laundering Act, 2002 against sitting/former legislators (MPs and MLAs). These are in addition to the 4442 criminal cases indicated to be pending as per the earlier report of the learned amicus dated 08.09.2020.

4. The learned amicus has recorded his analysis of the data received from the High Courts in paragraph 3 of his supplementary report, which is reproduced below:

3. Analysis of cases pending also show that -

a. There is no uniformity as to the setting up of Special Courts for MPs/MLAs throughout the country.

b. In the States of Andhra Pradesh, Karnataka, Madhya Pradesh, Telangana and West Bengal, there is one Special Court for all cases against MPs/MLAs. In the State of Telangana apart from Special Court for MPs/MLAs, cases are also pending before Special Court, CBI. In all other States, these cases are pending in respective jurisdictional courts.

c. There is also no clarity as to the courts which are trying offences under Prevention of Corruption Act, 1988. For example, in the State of Madhya Pradesh (where 21 cases are pending) and in Karnataka (where 20 cases are pending) all these cases are pending before Special Judge (MP/MLA) at Bhopal and Bangaluru respectively. In State of Telangana, these cases are before Special Judge, CBI at Hyderabad. In Delhi, cases under Prevention of Corruption Act, 1988, registered both by Delhi Police and by CBI are before the Special Court MP/MLA. Similar is the situation with regard to offences punishable under Prevention of Money Laundering Act, 2002.

5. During the course of the hearing, the learned amicus submitted that despite the taking up of this matter by this Court, and passing of various

orders since 2016, the backlog in pending criminal cases against sitting/former legislators (MPs and MLAs) has not declined. He pointed out numerous reasons for the same.

6. Firstly, the learned amicus stated that proceedings in a number of cases have been stayed by the various High Courts.

7. Secondly, the number of Special Courts constituted/designated for the hearing and disposal of these criminal cases registered against legislators is grossly insufficient. For instance, States such as Odisha, Jharkhand, Assam and Goa, do not have a Special Court. In other States such as Madhya Pradesh, Bihar, Tamil Nadu, Karnataka, Telangana and Maharashtra only one Special Court has been constituted.

8. Thirdly, he stated that there is a dearth of public prosecutors in these Courts. Additionally, warrants are not executed and witnesses are often not summoned. Sometimes, even the concerned authorities do not appear as required. Resultantly, there are a number of cases still at the stage of appearance and no effective prosecution is taking place.

9. Fourthly, even though authorities may formally initiate investigations by registering an FIR, or with a preliminary enquiry by the CBI, or by registering an Enforcement Case Information Report (ECIR) by the Enforcement Directorate, these matters are not taken to their logical conclusion, and often do not even result in the registration of a chargesheet.

10. In order to overcome the aforesaid issues, the learned amicus has therefore made certain supplementary suggestions, in continuation of his suggestions already extracted in our order dated 10.09.2020. The supplementary suggestions are reproduced below:

“SUBMISSION

7. Having regard to the reports received from various High Courts, the following supplementary submissions are made: –

A. Special Courts in every district for trial of all criminal cases against MPs/MLAs

a. Each High Court may be directed to assign/allocate criminal cases involving former and sitting legislators to one judicial officer in each district both for Sessions Courts and Magisterial Courts as Special Court MP/MLA. The High Courts may be directed to prepare a blueprint for expeditious disposal of the cases not later than 1 year for conclusion of trial. Hon'ble Chief Justice of each High Court may be requested to personally look into the matter and submit an action plan within such time as this Hon'ble Court may deem fit and proper. A Draft format is attached as Schedule A.

b. The High Court reports will also include mechanism for expeditious trial of criminal cases against MPs/MLAs under special statutes including Prevention of Corruption Act, 1988, Prevention of Money Laundering Act, 2002, Protection of Children from Sexual Offences Act 2012, Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, Companies Act, 2013, Negotiable Instrument Act, 1881 etc.

c. The High Courts would designate a judicial officer for all such cases, who shall try these cases on priority basis. The judicial officer can be allotted other work depending on the workload, number and nature of criminal cases against MPs/MLAs. The judicial officer so designated shall have continuity of tenure for a minimum period of two years.

d. Special Courts will give priority to the trial of cases in the following order:

1. Offences punishable with death/life imprisonment;
2. Offences under Prevention of Corruption Act 1988 and Prevention of Money Laundering Act, 2002;
3. Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 and Offences under Protection of Children from Sexual Offences Act, 2012;
4. Offences punishable with imprisonment for 7 years or more;
5. Other offences.

e. Cases involving sitting legislators be given priority over former legislators.

f. No adjournment shall be granted except in rare and exceptional circumstances on a written application stating the ground of adjournment and for reasons to be recorded.

B. Cases under stay

a. This Hon'ble Court in *Asian Resurfacing of Road Agency Pvt. Ltd. Vs. CBI, 2018 (16) SCC 299*, held as under:

"If stay is granted, it should not normally be unconditional or of indefinite duration. Appropriate conditions may be imposed so that the party in whose favour stay is granted is accountable if court finally finds no merit in the matter and the other side suffers loss and injustice. To give effect to the legislative policy and the mandate of Article 21 for speedy justice in criminal cases, if stay is granted, matter should be taken on day-to-day basis and concluded within two-three months. Where the matter remains pending for longer period, the order of stay will stand vacated on expiry of six months, unless extension is granted by a speaking order showing extraordinary situation where continuing stay was to be preferred to the final disposal of trial by the trial Court. This timeline is being fixed in view of the fact that such trials are expected to be concluded normally in one to two years."

b. In view of the law laid down in the aforesaid case, trial courts to proceed with the trial notwithstanding any stay granted by the High

Court unless fresh order is passed extending the stay by recording reasons.

c. In the alternative, Registrar Generals may be directed to place the matters involving MPs and MLAs before Hon'ble Chief Justice for appropriate orders for urgent listing of such cases.

d. Hon'ble Chief Justice of every High Court may be requested to list all pending against cases involving MPs and MLAs within 2 weeks before appropriate Bench; and upon being so listed, the cases will be decided by the appropriate Bench expeditiously. No adjournment shall be granted except on a written application disclosing the ground and for reasons to be recorded.

C. Nodal Prosecution Officer and Public Prosecutor

a. Each District will have a Nodal Prosecution Officer, who shall be an officer not below the rank of Additional Superintendent of Police. The Nodal Prosecution Officer shall be responsible to ensure production of accused persons before the respective courts and the execution of NBWs issued by the courts. The said officer shall also be responsible for service of summons to the witnesses, their appearance and deposition in the courts. Any lapse on the part of the Nodal Prosecution Officer will make him/her liable to disciplinary proceedings apart from initiation of contempt of court proceedings.

b. Forensic laboratories will give priority in furnishing the report in respect of cases being tried by the Special courts and will submit all pending reports within one month.

c. State Government/UTs will appoint/designate at least two Special Public Prosecutors for prosecuting cases in the Special Courts in consultation with District and Sessions Judge in the concerned District.

D. Establishment of 'Safe and Secure Witness Examination Room'

The High Courts will also submit a report as to the establishment of 'Safe and Secure Witness Examination Room' in each court complex with availability of internet facility for the purpose of recording of evidence of the witnesses through video conferencing.

E. Rules for Video Conferencing for Courts

Each High Court may adopt "Rules for Video Conferencing for Courts" framed by the Karnataka High Court with such modifications as may be required. Till such time Rules are framed, the Karnataka Rules for video conferencing may be made applicable to all the High Courts. The High Courts will indicate the expenses required for setting up of Witness Examination Room and making of video conference facility available in all court complexes. The Central Government may be directed to incur these expenses."

11. *The learned Solicitor General, Mr. Tushar Mehta, submitted on behalf of the Union of India that all the pending cases which have been stayed by the High Courts, must be concluded within a time bound manner, preferably*

within one month. He also suggested that the State Governments should provide necessary infrastructure within one month, for which the Central Government has already granted funds. He further brought it to the notice of this Court, that utilization certificates for the allocated funds have not been forwarded by the State Governments to the Central Government. The learned Solicitor General submitted that Central Agencies, like the CBI and the Enforcement Directorate, will pursue matters effectively and they shall ensure that any pending investigation/trial will reach its logical conclusion. This Court additionally pointed out that apart from possible delays in investigations, it was also noticed that sanctions for prosecution, under Section 19 of the Prevention of Corruption Act, 1988 or under Section 197, Criminal Procedure Code, were still pending before the higher authorities in many cases, without any decision being taken thereto. In view of the above, the learned Solicitor General submitted that he would file a status report with respect to the initiation, current stage of investigation pending against sitting/former legislators (MPs and MLAs) before the CBI, Enforcement Directorate and other central agencies, pendency/grant of sanctions for prosecution, the expected time for completion of the investigation and reasons for delay in the same, if any, before the next date of hearing. He further submitted that appropriate action would be taken by the nodal departments against any officer responsible for any unreasonable delay.

12. *Mr. Vikas Singh, senior counsel appearing on behalf of the Petitioners, submitted that the number of Courts needed per district ought to be rationalized and this may be left to the discretion of the respective High Court.*

13. *Heard the learned counsel representing the parties. We would, at the outset, like to appreciate the efforts made by the learned amicus curiae and acknowledge his able assistance.*

14. *One of the main objectives behind issuing notice in the present Writ Petition, and the various orders that have been passed time to time by this Court, was to ensure that criminal prosecutions against elected representatives (MPs and MLAs) are concluded expeditiously. The Court was of the opinion that such special consideration was required not only because of the rising wave of criminalization that was occurring in the politics in the country, but also due to the power that elected representatives (sitting or former) wield, to influence or hamper effective prosecution. Additionally, as legislators are the repositories of the faith and trust of their electorate, there*

is a necessity to be aware of the antecedents of the person that is/was elected. Ensuring the purity of democratically elected institutions is thus the hallmark of the present proceedings.

15. *However, despite all the initiatives taken by this Court in the present petition, there has been no substantial improvement in the situation when it comes to the disposal of pending criminal cases against sitting/former legislators (MPs and MLAs). Now, that we are well equipped with the information and data collected from the various High Courts, and looking at the suggestions made by the learned amicus, the learned Solicitor General and other learned counsel, we are better placed to assess the existing situation.*

16. *With respect to increasing the number of Special Courts and rationalizing the pending criminal cases, we deem it appropriate that, before passing any specific direction in respect thereto, it would be appropriate to direct the learned Chief Justice of each High Court to formulate and submit an action plan for rationalization of the number of Special Courts necessary, with respect to the following aspects:*

- a. Total number of pending cases in each district*
- b. Required number of proportionate Special Courts*
- c. Number of Courts that are currently available*
- d. Number of Judges and the subject categories of the cases*
- e. Tenure of the Judges to be designated*
- f. Number of cases to be assigned to each Judge*
- g. Expected time for disposal of the cases*
- h. Distance of the Courts to be designated*
- i. Adequacy of infrastructure*

17. *The learned Chief Justices while preparing the action plan should also consider, in the event the trials are already ongoing in an expeditious manner, whether transferring the same to a different Court would be necessary and appropriate.*

18. *The learned Chief Justices of the High Courts shall also designate a Special Bench, comprising themselves and their designate, in order to monitor the progress of these trials.*

19. *The learned Chief Justices are also requested to give their comments on the other suggestions of the learned amicus, as extracted by us in our order dated 10.09.2020 and this order. They are also requested to send us additional*

suggestions, if any, for the purpose of expedient disposal of pending criminal cases against legislators. The action plan, with the comments and suggestions of the learned Chief Justices of the High Courts, are to be sent to the Secretary General of this Court, preferably within a week. A copy may also be sent to the learned amicus curiae by way of e- mail.

20. *We further request the learned Chief Justices of all the High Courts to list forthwith all pending criminal cases involving sitting/former legislators (MPs and MLAs), particularly those wherein a stay has been granted, before an appropriate bench(es) comprising of the learned Chief Justice and/or their designates. Upon being listed, the Court must first decide whether the stay granted, if any, should continue, keeping in view the principles regarding the grant of stay enshrined in the judgment of this Court in Asian Resurfacing of Road Agency Private Limited v. CBI, (2018) 16 SCC 299. In the event that a stay is considered necessary, the Court should hear the matter on a day-to-day basis and dispose of the same expeditiously, preferably within a period of two month, without any unnecessary adjournment. It goes without saying that the Covid-19 condition should not be an impediment to the compliance of this direction, as these matters could be conveniently heard through video conferencing.*

21. *The Registrar Generals of all the High Courts are directed to place a copy of this order and our earlier order dated 10.09.2020 before the learned Chief Justices of their respective High Courts forthwith, for necessary directions.*

22. *With respect to the other suggestions made by the learned amicus, we will pass directions at an appropriate stage.*

List this matter after 2 weeks.”

16. Immediately thereafter, A.P Police, on one day, i.e., on 23.09.2020, filed closure report mentioning therein as ‘false’ in more than 7 or 8 criminal cases in which Sri Y.S.Jagan Mohan Reddy, who is presently Hon’ble Chief Minister of Andhra Pradesh State, was accused and investigation in those cases was pending since several years. It is on record that the present Chief Minister of A.P till the month of September, 2020 was accused in more than thirty (30) cases. The

present Hon'ble Chief Minister is accused in about ten (10) cases registered by the Central Bureau of Investigation. In those cases, where charge sheets have been filed long back, there is an allegation that he took several Crores of rupees as bribe and committed serious offences under the Prevention of Corruption Act, 1988 and other offences. Till the submission of charge sheets in those cases, he was not even Chief Minister. The present Hon'ble Chief Minister of State of AP is also accused in several cases lodged by the Enforcement Directorate. Besides those cases, he is accused in number of cases on an allegation of committing offences under the provisions of Indian Penal Code, 1860. Surprisingly, though cases are pending since 2011 and onwards, till date, in none of the cases, charges have been framed. Is it not a mockery with the system.

17. The Hon'ble Supreme Court long back in **Ganesh Narayan Hegde v. S.Bangarappa & Others**² has observed in paragraph (17) as follows:

"17. With respect to the contention of the learned counsel for the respondents that after a period of twelve years, the matter should not be allowed to be proceeded with we must say that the complainant is certainly not responsible for this delay. The learned counsel did not even made such a suggestion. Moreover, this contention does not appear to have been raised before the High Court. (The judgment of the High Court is dated 16.6.92.) We do not know who is responsible for this delay. As observed by Krishna Iyer, J. in In Re.: The Special Courts Bill [1979] 2 SCR 476: "It is common knowledge that currently in our country criminal courts excel in slow-motion. The procedure is dilatory, the dockets are heavy, even the service of process is delayed and still more exasperating there are appeals upon appeals and revisions and supervisory jurisdictions, baffling and baulking speedy termination of prosecutions....". The slow-motion becomes much slower-motion when

² 1995 Cri L J 2935

politically powerful or rich and influential persons figure as accused. F.I.Rs. are quashed. Charges are quashed. Interlocutory orders are interfered with. At every step, there will be revisions and applications for quashing and writ petitions. In short, no progress is ever allowed to be made. And if ever the case reaches the stage or trial after all these interruptions, the time would have taken its own toll: the witnesses are won over; evidence disappears; the prosecution loses interest - the result is an all too familiar one. We are sad to say that repeated admonitions of this Court have not deterred superior courts from interfering at initial or interlocutory stages of criminal cases. Such interference should be only in exceptional cases where the interests of justice demand it; it cannot be a matter of course. In the circumstances, we cannot acceded to the said contention.”

18. It is pertinent to record that in W.P.No.9166 of 2020, on 08.10.2020, learned Advocate General consented for investigation as directed by this Court and order was reserved on 08.10.2020. On 10.10.2020, at about 3 PM, supplementary cause list was published by the AP High Court showing that the case was directed to be listed on 12.10.2020 under the caption ‘For pronouncement of orders’. In the same evening, i.e., on 10.10.2020, about 8 or 8.30 PM, news like ‘Wild Fire’ was published in which one Sri Ajeya Kallam, Principal Advisor to Hon’ble Chief Minister, in an interview with the press made a letter written by Sri Y.S Jagan Mohan Reddy, Hon’ble Chief Minister of Andhra Pradesh, to the Hon’ble Chief Justice of India shown to be sent on 06.10.2020 as public. In the said letter, allegations were made against Hon’ble Sri Justice N.V.Ramana, Sri Jitendra Kumar Maheshwari, the Hon’ble Chief Justice of AP High Court and about half a dozen Hon’ble Judges of A.P High Court.

19. We are not aware as to whether any contempt proceeding for such an action has been taken or not by the Hon’ble Chief Justice of India.

But, it is a fact that recommendation has been made on 14.12.2020 by the Collegium of Hon'ble Supreme Court for transfer/appointment of Chief Justices, which includes transfer of Chief Justice of AP High Court to Sikkim High Court and transfer of Chief Justice of Telangana High Court to Uttarakhand High Court.

20. Whether by this act of sending unceremonious letter to the Hon'ble Chief Justice of India, the Hon'ble Chief Minister of Andhra Pradesh will get final relief or not but fact remains that he succeeded in getting undue advantage at the present moment. People may draw an inference as if after the so called letter of Hon'ble Chief Minister, the two Chief Justices, i.e., Chief Justice of High Court for the State of Telangana and Chief Justice of High Court of AP have been transferred. By the said transfer, naturally, the cases pending in the Court of Special Judge for CBI cases in Hyderabad against Sri Y.S.Jagan Mohan Reddy, present Chief Minister and others may be delayed and monitoring by the Hon'ble Supreme Court in W.P (Civil) No.699 of 2016 may hamper for the time being. Similarly, by the transfer of Chief Justice of AP High Court, the Government of Andhra Pradesh is bound to get undue benefit. It is an open fact that issue of three capitals in the State of Andhra Pradesh is the brain child of the present Chief Minister. The poor farmers whose land was taken under the scheme of land pooling Act for establishment and development of Amaravati as capital of this State, where several developmental work had started from the year 2015 and unceremoniously stopped after new Government under the leadership of Sri Y.S Jagan Mohan Reddy, the present Hon'ble Chief Minister, was formed in the year 2019. Number of writ petitions were filed against the "Decentralised

Governance and Inclusive Development Bill", and subsequent enactment to formulate three capitals. In that batch of cases, final hearing since one month was continuing by a Full Bench of this Court presided over by Hon'ble Sri Jitendra Kumar Maheshwari, the Chief Justice of AP High Court. Immediately after the recommendation for his transfer by the Hon'ble Supreme Court, that too, after publicizing of contemptuous letter of accused/Hon'ble Chief Minister to the Hon'ble Chief Justice of India, hearing in the batch cases has been stopped. After his transfer, there is every likelihood that some time may be consumed in reconstitution of the Bench and thereafter from zero hearing in those cases may commence. I am not raising any question on the transfer of Hon'ble Chief Justices, either of the High Court of Andhra Pradesh or of the High Court for the State of Telangana, but, at the same time, I am constrained to observe that transfer of High Court Judges or its Chief Justices may reflect some transparency and for betterment or upliftment of the administration of justice. After all, they are also holding Constitutional post like member of Hon'ble Supreme Court Collegium.

21. Till the publication of letter, dated 06.10.2020, of the Hon'ble Chief Minister of Andhra Pradesh, I was not having much information about him. But, immediately thereafter, I became curious to know about him. Subsequently, I was told that if I go on site 'Google' and type only "Khaidi No.6093", I can get many information. Accordingly, I did the same thing and thereafter I got very disturbing information. Some of such extracts I got downloaded are quoted herein below:

Article (01)

12/23/2020

Richest MP Jagan is now prisoner 6093

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Richest MP Jagan is now prisoner 6093

South | Indo-Asian News Service | Updated: May 28, 2012 8:55 pm IST

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Hyderabad: Another high-flying businessman-politician YS Jaganmohan Reddy, said to be the richest MP, has landed in Chanchalguda Central Jail.

Jagan, as he is popularly known is the son of late Andhra Pradesh Chief Minister YS Rajasekhara Reddy. He is allotted prisoner number 6,093 after he was sent to judicial custody for 14 days by a Central Bureau of Investigation (CBI) court in the disproportionate assets case.

He declared assets of Rs.356 crore last year and is accustomed to live luxuriously in his palatial bungalows. will now have to live a tough life.

NDTV

Richest MP Jagan is now prisoner 6093

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Immediately after he entered the jail, he was taken to admission barracks and was given the prisoner number by jail authorities. Jail doctors also examined him.

Since the court has granted him special prisoner status, Jagan will not have to share the barrack with ordinary prisoners like pick-pockets and wife-beaters.

He is entitled for a separate enclosure which he can share with one or two prisoners

<https://www.ndtv.com/south/richest-mp-jagan-is-now-prisoner-6093-485359>

12/23/2020

Richest MP Jagan is now prisoner 6093

known to him. Image only on JioSaavn.com


He is entitled to better food or can cook his own food. An ordinary under-trial prisoner gets 600 grams of rice, 100 grams of daal and 250 grams vegetable curry every day.


Advertisement

Jagan, is the 10th VIP in the jail, which till recently housed disgraced IT czar Ramalinga Raju and mining baron and former Karnataka minister Gali Janardhana Reddy.



TRENDING


 "For Infinity And Beyond": Chahal Ties Knot With Dhanashree. See Pics

 Big Lead For Farooq Abdullah-Led Gupkar Alliance In J&K Local Polls


 Amit Shah Owes Me *Dhokla* Treat, Says Mamata Banerjee, Sharing Stats


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 ISIS Suspects Sent To Two Weeks Judicial Custody

 Prisoner Escapes with ₹ 65,000 Cash in Hyderabad

Raju was released on bail in November last year after spending three years in the jail in the multi-crore accounting fraud in Satyam Computers while Janardhana Reddy, key accused in illegal mining case, was shifted to Bangalore jail in another case in March.

Janardhana Reddy, also one of the richest politicians in the country, was in Chanchalguda since September last year.

Jagan joins senior Indian Administrative Service (IAS) officials BP Acharya, Y Srilakshmi, leading industrialists Nimmagadda Prasad, Koneru Prasad, businessman Srinivas Reddy, bureaucrats VD Rajagopal, and KV Brahmananda Reddy in jail.

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Nimmagadda and Brahmananda Reddy are accused in the Jagan case while others are accused in illegal mining and Emaar-APIIC township cases.

They are among 700 prisoners in the jail located in the old city and built in 1876

Comments

12/23/2020

Jagan sent to jail as special prisoner - Times of India

Article (02)

Printed from

THE TIMES OF INDIA

Jagan sent to jail as special prisoner

TNN | May 29, 2012, 01:49 AM IST

HYDERABAD: Jaganmohan Reddy took bribes totalling Rs 1,172 crore from various investors and influenced his father and chief minister Y S Rajasekhara Reddy to dole out favours to them in the form of land allotments and leases, the CBI charged while seeking his custody in the trial court on Monday. CBI's counsel also argued that Jagan had taken recourse to huge hawala transactions.

However, principal special judge A Pullaiah dismissed the CBI's custody petition and refused to recognize the arrest of Jagan made by the investigating agency on Sunday. The judge then remanded Jagan to 14-days judicial custody till June 11 as the consequence of the summons served by the court on the accused. He was sent to Chanchalguda Jail after being accorded special prisoner status. Jagan is slated to challenge his remand in the AP high court on Tuesday even as the CBI too will appeal against the denial of his custody.

Hetero Group, Aurobindo Pharma, Penna Group, Dalmia Cements, India Cements, Ramky Group, Vanpic project to Nimmagadda Prasad were named as some of the companies who dealt with Jagan, the CBI said.

"Investigations revealed that Jagan in conspiracy with his financial advisor Vijay Sai Reddy (also an accused) channeled more than Rs 100 crore of ill-gotten money through various paper/suitcase companies based in Kolkata and Mumbai into Jagati Publications which had no business of its own. Just for routing the said ill-gotten money, the said suitcase companies were used," the CBI said in its remand report.

Appearing for the CBI, special counsel Ashok Bhan told the court that Jagan could no longer project himself as a victim of circumstances to gain political mileage. "He had robbed the assets of the state that would have been otherwise used for the welfare of the poor. It is called the public private partnership (PPP) model but Jagan had reduced it to private, public and public servants connivance model. Jagan cannot evade the majesty of law," the CBI counsel said. Jagan, who was present in the court, argued his case on his own for a while with the permission of the court and described the whole case as a political vendetta. "Sakshi newspaper is the eighth biggest newspaper in the country and it makes business sense to invest in the

<https://timesofindia.indiatimes.com/city/hyderabad/Jagan-Mohan-Reddy-sent-to-jail-as-special-prisoner/articleshowprint/13614966.cms>

1/3

12/23/2020

Jagan sent to jail as special prisoner - Times of India

paper. Why is it being made out to be a crime to invest in my paper.

When a rival daily Eenadu valued itself at Rs 6,000 crore, nobody faulted it and when my paper was valued at half of that cost, it is being shown as a scam. When Eenadu sold its shares at Rs 5.25 lakh per share and got Rs 2,500 crore as investment it was not seen as a scam. But when Sakshi sells its share at Rs 350 per share, it is being shown as a scam. Since the bypolls are slated to take place, attempts are being made through the CBI to keep me away from the people," Jagan told the court.

India's richest MP is now qaidi no. 6093

He wasn't on his Odarpu Yatra but Jagan still behaved like he was among people when he entered the Central Prison, Chanchalguda. Cheerful and smiling, Jagan folded his hands greeting the huge contingent of cops and mediapersons at jail. After prison officials checked the identification marks on his body and numbered him qaidi no. 6093, Jagan, who is said to be the country's richest MP with Rs 356 crore assets, was led away into the old hospital block. Prison sources say Jagan was allotted a special room. The room measures 10 ft x 10 ft and has an attached toilet. He has been provided with a cot and a mattress, as per the jail manual.

A TV set is also there, but only DD channels can be accessed. Being a special prisoner, Jagan doesn't have to stick to any schedule. At the separate kitchen for special prisoners, Jagan can get his choice of food cooked. "If he wants, he can get 115 gm of non-vegetarian stuff every day," an officer said.

Lukewarm response to bandh

The state-wide bandh call given by the YSR Congress had little impact on the twin cities with most shops, offices and various other commercial establishments staying open. Offices across the city, including IT firms in Hi-Tec City, recorded almost normal attendance although some reported that employees' turnout on Monday was thinner than usual.

<https://timesofindia.indiatimes.com/city/hyderabad/Jagan-Mohan-Reddy-sent-to-jail-as-special-prisoner/articleshowprint/13614966.cms>

2/3

Article (03)

12/23/2020

With assets worth Rs 5,10,38,16,566, Jagan Reddy is richest minister in Andhra - Oneindia News



বাংলা ગુજરાતી हिन्दी ಕನ್ನಡ മലയാളം தமிழ் తెలుగు ଓଡ଼ିଆ ENGLISH

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With assets worth Rs 5,10,38,16,566, Jagan Reddy is richest minister in Andhra

By Vicky Nanjappa | Updated: Wednesday, June 26, 2019, 12:24 [IST]

270K

Amaravati, June 26: There are 17 ministers who have declared pending criminal cases in the new Andhra Pradesh legislative assembly. Out of the 26 ministers analysed by the Association for Democratic Reforms, 23 are crorepatis.



Andhra Pradesh Chief Minister YS Jaganmohan Reddy

There are nine ministers with serious criminal cases pending against them. The average assets of the ministers is Rs 35.25 crore.



Praja Vedika built by Naidu to be demolished: Jagan Mohan Reddy

YS Jaganmohan Reddy is the richest with assets worth Rs 510.38 crore. Second on this list is Peddi Reddy Ramachandra Reddy, with assets worth Rs 130 crore. Mekapati Goutham Reddy is third with Rs 61 crore worth of assets. Jagan has declared moveable assets worth Rs 4,43,48,37,267 and immoveable assets to the tune of Rs 66,89,79,299. His total assets stand at Rs 5,10,38,16,566.

A total of 12(46 per cent) ministers have declared their age to be between 31-50 years while 14 (54 per cent) ministers have declared their age to be between 51- 70 years.

Out of 26 ministers, 3 are women.

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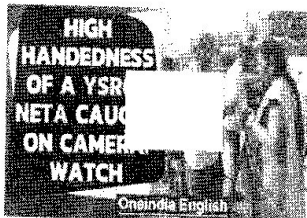


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India records lowest Covid cases at 19,556 since July, 301 deaths in 24 hours



To disturb ongoing polls, Pak made another attempt to push terrorists into Valley



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Legion of Modi is...

...the...

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DEATH

146,111

1,708,677

22. Thereafter, I got some authenticated information and came to know that Sri Y.S.Jagan Mohan Reddy, the present Hon'ble Chief Minister is one of the accused in the following CBI cases:

Sl.No.	Case Number	Court in which case is pending	Section of Law	Charges Framed or not
(1)	C.C.No.08/2012	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420 IPC, Section 12 r/w 11 of Prevention of Corruption Act, 1988	NO
(2)	C.C.No.09/2012	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420, 471 IPC	NO
(3)	C.C.No.10/2012	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420, 471 IPC, Sections 9 & 12 of Prevention of Corruption Act, 1988	NO
(4)	C.C.No.14/2012	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420, 409 IPC, Sections 9 & 12 of Prevention of Corruption Act, 1988	NO
(5)	C.C.No.12/2013	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420 IPC, Section 9 of Prevention of Corruption Act, 1988	NO
(6)	C.C.No.24/2013	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420 IPC, Sections 9 & 12 of Prevention of Corruption Act, 1988	NO
(7)	C.C.No.25/2013	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420, 107 IPC, Section 13(2) r/w 13(1) (D) of Prevention of Corruption Act, 1988	NO
(8)	C.C.No.26/2013	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420 IPC, Section 9 of Prevention of Corruption Act, 1988	NO
(9)	C.C.No.27/2013	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420 IPC, Section 9 of Prevention of Corruption Act, 1988	NO
(10)	C.C.No.28/2013	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420, 468, 471 IPC, Section 9 of Prevention of Corruption Act, 1988	NO

(11)	C.C.No.26/2014	Court of Principal Special Judge for CBI Cases, Hyderabad	Sections 120-B, 420, 409 IPC, Sections 11,13(2) r/w 13(1) (c) of Prevention of Corruption Act, 1988	No
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23. Sri Y.S.Jagan Mohan Reddy, present Hon'ble Chief Minister is accused in the following six (6) cases registered by the Enforcement Directorate:

Sl. no.	FIR No.	Case No.	Court in which case is pending	Section of Law	Charges Framed or not
(1)	ECIR No.09/HZO/2011, Police Station, Directorate of Enforcement, Hyderabad	S.C.No. 2/2018	Court of Principal Special Judge for CBI Cases, Hyderabad	Section 4 r/w 3 of Prevention of Money Laundering Act, 2002	NO
(2)	ECIR No.09/HZO/2011, Police Station, Directorate of Enforcement, Hyderabad	S.C.No. 1/2018	Court of Principal Special Judge for CBI Cases, Hyderabad	Section 4 r/w 3 of Prevention of Money Laundering Act, 2002	NO
(3)	ECIR No.09/HZO/2011, Police Station, Directorate of Enforcement, Hyderabad	S.C.No. 2/2017	Court of Principal Special Judge for CBI Cases, Hyderabad	Section 4 r/w 3 of Prevention of Money Laundering Act, 2002	NO
(4)	ECIR No.09/HZO/2011, Police Station, Directorate of Enforcement, Hyderabad	S.C.No. 2/2016	Court of Principal Special Judge for CBI Cases, Hyderabad	Section 4 r/w 3 of Prevention of Money Laundering Act, 2002	NO
(5)	ECIR No.09/HZO/2011, Police Station, Directorate of Enforcement, Hyderabad	S.C.No. 106/2015 New No. SC 1/2016	Court of Principal Special Judge for CBI Cases, Hyderabad	Section 3, 4 & 8(5) of Prevention of Money Laundering Act, 2002	NO
(6)	ECIR No.09/HZO/2011, Police Station, Directorate of Enforcement, Hyderabad	S.C.No. 92/2016	Metropolitan Sessions Judge, Hyderabad	Section 3, 4 & 8(5) of Prevention of Money Laundering Act, 2002	NO

and till this year, he was the accused in the following cases relating to commission of offences under the Indian Penal Code, 1860:

Sl. No.	FIR Number	Case Number	Section of Law
(1)	FIR No.64/2016, Mangalagiri (R) Police station, Guntur Urban	....	Sections 425, 427, 505(ii), 34 IPC
(2)	FIR No.63/2016, Mangalagiri (R) Police station, Guntur Urban	...	Sections 425, 427, 505(ii), 34 IPC
(3)	FIR No.62/2016, Mangalagiri (R) Police Station, Guntur Urban	...	Sections 425, 427, 505(ii), 34 IPC

(4)	FIR No.61/2016, Mangalagiri (R) Police Station, Guntur Urban	...	Sections 425, 427, 505(ii), 34 IPC	
(5)	FIR No.60/2016, Mangalagiri (R) Police Station, Guntur Urban	....	Sections 425, 427, 505(ii), 34 IPC	
(6)	FIR No.59/2016, Mangalagiri (R) Police Station, Guntur Urban	....	Sections 425, 427, 505(ii), 34 IPC	
(7)	FIR No.58/2016, Mangalagiri (R) Police Station, Guntur Urban	....	Sections 425, 427, 505(ii), 34 IPC	
(8)	FIR No.45/2016, Ponnuru (R) Police Station, Guntur Urban	....	Sections 500, 501 IPC	
(9)	FIR No.57/2017, Nandigama Police Station, Krishna District	....	Sections 353, 506 r/w 34 IPC	
(10)	Private complaint	C.C.No. 33/2018	Sections 499, 500, 501, 502 r/w 34 IPC	Private complaint was filed on 07.02.2017 and cognizance of offences was taken on 09.03.2018. The incumbent Chief Minister is A3. A1 is M/s Jagathi Publications Ltd., which is the media house promoted by A3. Since March, 2018, summons are not being served on A1 and A3
(11)	FIR No.137/2011, Pulivendula Police Station, YSR Kadapa District	----	Sections 147, 148, 114, 186, 188, 440, 286, 283, 353, 341, 290, 342, 427, 506 IPC, Section 7(1) of Criminal Law Amendment Act, 1932, Section 3 of Prevention of Damage to Public Property Act, 1984	
(12)	FIR No.189/2016 Ananthapuram II Town Police Station, YSR Kadapa District	.....	Sections 166, 153 A, 166A, 504 IPC	
(13)	FIR No.91/2016 Peddavadugur Police Station, Ananthapuramu District	.....	Sections 153A, 117, 166, 504 IPC	
(14)	FIR No.91/2016 Yadiki Police Station, Ananthapuramu District	.....	Sections 153A, 117, 166, 504, 506 IPC	
(15)	FIR No.52/2016 Nallacheruvu Police Station, Ananthapuramu District	.....	Sections 153A, 116, 506 IPC	
(16)	FIR No.43/2016, Puttaparthi Urban Police Station, Ananthapuram District	.....	Sections 153A, 116, 500, 506 IPC	
(17)	FIR No.142/2015, Chilakaluripet Town Police Station, Guntur District	.....	Sections 120-B, 469, 471 IPC, Sections 23 & 24 of Indian Telegraph Act, 1885	

(18)	FIR No.74/2015, Narasaraopet I Town Police Station, Guntur District	Sections 120-B, 153A, 469, 471 IPC, Sections 23 & 24 of Indian Telegraph Act, 1885, Sections 65 & 66 of Information Technology Act, 2000
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24. Out of all the aforesaid cases, which were pending since long, surprisingly, in 6/7 cases, only after, order, dated 16.09.2020, passed in Writ Petition (Civil) 699 of 2016, by the Hon'ble Supreme Court, on one day, i.e., on 23.09.2020, the Police of Andhra Pradesh submitted closure report, showing most of the cases as 'false'. In one of the case, i.e., FIR No.137 of 2011 of Pulivendula Police Station, YSR Kadapa District, on 05.11.2020, after the order, dated 16.09.2020, of the Hon'ble Supreme Court, report was submitted by the police as "False". In three cases, police submitted final report showing as "Mistake of Fact". In those cases, such report was submitted after the order, dated 16.09.2020, of the Hon'ble Supreme Court in W.P (C) 699 of 2016. In other three cases, report was submitted as "Action Drop".

25. The aforesaid act of Andhra Pradesh police reflects as to how head of the Police, i.e., the Director General of Police, Government of Andhra Pradesh, is functioning as per the dictate of the Government, not in upholding rule of law in the State. I am well aware that many of my observations made herein above may not be in consonance with the technicality, but since on the verge of my retirement, my impartiality has been questioned by the Government of Andhra Pradesh on my face in the present proceeding, in my defence, I was constrained to record above facts, which are based on record and may not be disputed. My only endeavour is to uphold the majesty of law.

26. I am of the opinion that for a situation, which is prevailing, today in which impartiality, integrity, honesty, unbiased etc., in judicial system is being raised, to some extent we are also responsible. Several instances we have noticed that immediately after demitting the office of Judge, the Judges are provided with new assignment. If we start to restrict our expectation of reassignment/re-employment at least for a period of one year after retirement, I don't think that any political party, even party in power can undermine the independence of judiciary and we may be in a position to uphold the majesty of law without being influenced by any one.

27. As discussed herein above, one can infer how the Government in the State of Andhra Pradesh is proceeding. Firstly, attack was made on Legislative Council, thereafter another Constitutional body, i.e., State Election Commission; and, now the High Court of Andhra Pradesh and even the Supreme Court is under attack by persons, who are in power.

28. It is relevant to mention here that during initial period, while I was coming to Court from my residential bungalow, for some time, I had noticed that people were standing by the side of the road with folded hands with some placard. On enquiry, I was told that they were supporters of one Capital, i.e., Amaravati as capital. However, after some time, all such activities were not noticed by me. But, just before the start of hearing by a Full Bench of this Court in the matter relating to three capitals, I (Hon'ble Sri Justice Rakesh Kumar) had noticed that few kilometers before the High Court, that is, the way of the Hon'ble Judges leading to High Court, near a place called "Mandadam", a tent was erected and number of persons were sitting there. On the road side near

the tent, they posted black flags as if they were showing black flags to the Hon'ble Judges. Enquiry revealed that such persons are assembling to show support in creation of three capitals. Posters and banners of political leaders of party in power were available on the site and it is continuing since more than one month. It is a fact that on one occasion, such act was accelerated to the displeasure and to show disrespect to the Hon'ble Judges, particularly, the Hon'ble The Chief Justice. After noticing such an unpleasant and disturbing event, a communication, dated 19.12.2020, was made on administrative side by the Registrar General, High Court of Andhra Pradesh, to the Superintendent of Police, Guntur. A copy of the said communication, which is reproduced herein below, is self explanatory:

**"B.S.BHANUMATHI
REGISTRAR GENERAL**

AMARAVATI
(Off) : 0863-2372613
(Telefax): 0863 2372631

ROC No.528/SO/2020 Dt:19.12.2020

To
The Superintendent of Police
Guntur.

Sir,

Sub: High Court of Andhra Pradesh -Dishonour to Hon'ble High Court of Andhra Pradesh - Effigies displayed near the place of protest on the road side enroute High Court and display of black flags, waiving hands and raising slogans while Hon'ble Judges are coming in their cars to come to High Court and go home - Reg.

Adverting to the subject cited, I am to inform that some observations are made regarding the activities of certain persons who are conducting strike under aegis of the Bhahujana Parirakshana Samithi, explicitly maligning the Hon'ble Judges while they are coming to the High Court, erected some effigies with black flags, raising slogans for three capitals and house pattas for the poor and are waiving hands at the Hon'ble Judges indicating bye bye, on noticing the passing vehicle of the Hon'ble Chief Justice, which shows dishonor/disrespect/discourtesy.

Therefore, as directed, I am to request you to instruct the concerned to see that such instances will never happen.

Yours sincerely,
Sd/-
REGISTRAR GENERAL”

29. It appears that in the aforesaid background, now in the present proceeding, the State by way of filing the aforesaid interlocutory application, has ventured to malign the image of one of the Members of this Bench (Hon’ble Sri Justice Rakesh Kumar). It is very difficult for me to swallow the allegation of deviating from the principle of impartiality. The said allegation made on oath by the petitioner/respondent No.5 to some extent, can be termed as ‘untrue’ and ‘false’.

30. After hearing the learned Additional Advocate General on IASR No.37122 of 2020, filed by petitioner/respondent no.5, namely, Mr. Pravin Kumar, Special Officer, Mission of A.P, I.T Towers, Mangalagiri, Guntur District/Mission Director, Mission Build Andhra Pradesh, Government of Andhra Pradesh, and examining the prayer made in the petition, I am of the opinion that such prayer is totally untenable and malicious too. If Court starts entertaining such petitions; in no case, the Court can be allowed to dispense justice. With a view to uphold the majesty of law and repose the confidence of citizen in the judicial system, such endeavour made by the State is considered as malicious and cannot be approved. If such petitions are entertained, it will amount to allowing the party for hunting the Bench. Such an action by the State was not expected, but in this State, as I have observed the circumstances herein above, everything can be possible. However, at the same time, the Court cannot be frightened by any such action of the State.

31. Accordingly, the prayer for recusal of one of the Members of the Division Bench (Hon'ble Sri Justice Rakesh Kumar) from the present case stands rejected.

32. I (Hon'ble Sri Justice Rakesh Kumar) may make it clear that all the aforesaid observation has been made by me (Hon'ble Sri Justice Rakesh Kumar) since prayer for my recusal was made. Such prayer made by respondent No.5 holding the post in the Andhra Pradesh Government is simply a contemptuous act and it is highly deprecated.

RAKESH KUMAR, J

33. It is a case that on oath, the petitioner/respondent No.5, on behalf of the State of Andhra Pradesh, has made a false statement, which is not supported by either on the record of the docket or any documents, which have been brought on record in the present interlocutory application, and as such, it amounts to commission of offence of perjury and such act is liable to be proceeded with in accordance with law. Moreover, the action of the State, by way of filing the aforesaid petition, with untrue and false allegations amounts to interference in the discharge of judicial functions and as such the same is contemptuous. Accordingly, we propose to call for an explanation from the petitioner/respondent No.5 as to why he may not be proceeded with for his contemptuous act and contempt proceedings be not initiated against him. The petitioner/respondent No.5 is directed to file his show-cause within a period of six (6) weeks from today and the Registry is directed to list this matter in the second week of February, 2021.

34. Since on oath, in a Court proceeding, the petitioner/respondent No.5 has made false statement in paragraph No.4 of the affidavit filed in support of the petition, as mentioned herein above in this order, the Registrar General is directed to file a complaint for initiation of criminal prosecution against the petitioner/respondent No.5 in the Court of concerned judicial Magistrate/Chief Judicial Magistrate.

35. Put up the aforesaid batch of writ petitions in the second week of February, 2021.

36. Before parting, we may observe that since Advocates are treated as Officers of the Court, it is expected that they may endeavour to assist the Court for coming to correct decision in a dispute. In general, the Court has noticed that the members of the Bar of Andhra Pradesh are very sincere, disciplined and their acts reflect as if they are really officers of the Court. However, some of the senior Law Officers of the State of Andhra Pradesh may not be treated at par with such learned counsel. In the present case, had the senior Law Officer rendered correct advice to the Government, there was no reason for the present unwarranted and unpleasant situation. It is the duty of the Law Officers of the Government to render appropriate opinion to the Government not to act as per the dictates of the Government. At the same time, we have noticed that number of Government Advocates are discharging their duties with excellent behavior and correct approach. However, we are refraining to record any specific observation against either of the State Counsels. But, in any event the present situation has created a piquant situation, which would have been avoided had the State was given proper legal advice.

37. It is clarified that this Court has not made any observations on the merits of the case and all the observations made herein above are only for considering the prayer for recusal made in this interlocutory application.

RAKESH KUMAR, J

Per Hon'ble Sri Justice D.Ramesh:
Concurring with regard to contempt
proceedings.

D.RAMESH, J

30th December, 2020
RAR